

REMARKS

Claims 1-5 and 7-23 are pending in this application. By this Amendment, claims 1-5 and 7-17 are amended and claims 18-23 are added. Support for the amendments can be found in the specification, for example, at page 8, line 23 - page 10, line 18. Support for new claims 18-23 can be found in the specification, for example, at page 10, line 4, page 12, line 25 - page 14, line 18 and Figs. 16-20. No new matter is added.

I. INTERVIEW REQUEST

Applicant respectfully requests that the Examiner telephone the undersigned to schedule a personal interview before the first Office Action on the merits following entry of the Request for Continued Examination (RCE) filed concurrently herewith (see 37 C.F.R. §1.133(a)(2) and MPEP §713.01).

II. §102(b) REJECTION OVER GAMBALE

Claims 1-7, 13, 15 and 16 were rejected under 35 U.S.C. §102(b) over Gambale (U.S. Patent No. 6,328,746). The rejection is respectfully traversed. Gambale does not teach every claimed feature of independent claims 1 and 2.

For example, Gambale does not teach "the hollow intermediate connecting part and the external complementary part of the tool cooperating to prevent longitudinal movement of the tool relative to the hollow intermediate connecting part while they are reversibly fixed together" as recited in independent claim 1, or "a first clip configured to reversibly fix the hollow intermediate connecting part onto an external complementary part of the tool and to prevent longitudinal movement of the tool relative to the hollow intermediate connecting part while they are reversibly fixed together" as recited in independent claim 2.

The Office Action asserts that the cartridge 100 and screwdriver 20 of Gambale correspond to the claimed hollow intermediate connecting part and tool, respectively (see Office Action, page 2). However, as disclosed at col. 5, lines 61-65 of Gambale, annular lip

122 of the cartridge 100 merely presses against the screwdriver 20 when the screwdriver 20 is inserted into the cartridge 100. The cartridge 100 is not shaped to prevent longitudinal movement of the screwdriver 20 relative to the cartridge 100, and in fact is required to permit longitudinal movement of the screwdriver in order for the screwdriver to be used with the cartridge. Therefore, Gambale does not disclose the subject limitations of independent claims 1 and 2.

Further, Gambale does not teach reversibly fixing a hollow intermediate connecting part onto an external complementary part of the tool and thereafter positioning the tool, with the connecting member reversibly fixed to it, with respect to the end of the implantable element, as recited in independent claim 1.

The Office Action asserts that the step of fixing the cartridge 100 of Gambale onto the screwdriver 20 corresponds to the claimed fixing step, and that the screw 17 of Gambale corresponds to the claimed dental implant (see Office Action, pages 2-4). However, the screw 17 of Gambale is positioned in the cartridge before the screwdriver 20 is inserted into the cartridge and engaged with the screw 17 (see Figs. 2(b), 3, 4, 7, 8, 14 and 15 of Gambale) to control the screws before use (e.g., col. 2, lines 9-27 and 35-42), and to allow the screwdriver to be "inserted into the lumen 142 of the cartridge 100 until the distal tip of the screwdriver engages the head of screw 17" (col. 5, line 67 to col. 6, line 2). Clearly, the system of Gambale would not function properly if the screwdriver 20 were inserted into the cartridge 100 prior to the screw 17, because no structure is provided to longitudinally locate the screwdriver in the cartridge and there would be no possibility of using a magazine of cartridges as shown in Figs. 2(b), 7-10, 14 and 15. Therefore, Gambale also does not teach this limitation of independent claim 1.

The Office Action asserts on page 5 that "it was held that the order of performing process steps does not support patentability in the absence of new or unexpected results" (quoting *Ex Parte Rubin*, 128 U.S.P.Q. 440 (Bd. App. 1959)). However, this holding relates to changes in the sequence of adding ingredients to a chemical product where the different sequence of processing yielded no new or unexpected results (see MPEP §2144.04). However, as discussed above, the sequence of the process steps disclosed in Gambale is critical for the screwdriver 20 and screw 17 to function properly, and thus the holding in *Ex Parte Rubin* is irrelevant to the disclosure of Gambale and the claimed invention. Therefore, patentable weight must be given to the sequence of steps recited in claim 1, which sequence patentably distinguishes independent claim 1 from the method disclosed in Gambale.

For at least the above reasons, independent claims 1 and 2 are patentable over Gambale. Claims 3-7, 13, 15 and 16, which depend from independent claim 2, are also patentable at least for their dependency on independent claim 2, as well as for the additional features they recite.

Applicant respectfully requests withdrawal of the rejection. Claims 1 and 2, and all of the claims depending from them (including new claims 18-20) are patentable over Gambale.

III. §102(b) REJECTION OVER GERVAIS

Claims 1, 2 and 8-17 are rejected under 35 U.S.C. §102(b) over Gervais et al. (U.S. Patent No. 7,160,109). The rejection is respectfully traversed.

Gervais does not teach every claimed feature of independent claims 1 and 2. For example, Gervais does not teach "positioning the tool ... with an end of the tool in direct contact with the implantable element" as recited in independent claim 1, or "a second clip configured to clip to a complementary part of the implantable element, so as to enable reversible fixing of the tool to and in direct contact with the implantable element" as recited in independent claim 2.

The Office Action asserts that the drive tool 18 of Gervais corresponds to the claimed tool and that the body 22 or screw 16 corresponds to the claimed implantable element (see Office Action, page 3). However, as shown in Fig. 1 of Gervais, the drive tool 18 is spaced from the implantable element 22 and thus is not in direct contact therewith. See, e.g., col. 3, lines 33-37 (the "fixture mount ... is disposed between and aligned with the implant and the drive tool" - emphasis added). This separation is provided to permit the limitation of torque that is the purpose of the Gervais disclosure. See, e.g., col. 3, lines 33-49. Therefore, Gervais does not disclose the subject limitations of independent claims 1 and 2.

In addition, Gervais also does not teach reversibly fixing a hollow intermediate connecting part onto an external complementary part of the tool and thereafter positioning the tool, with the connecting member reversibly fixed to it, with respect to the end of the implantable element, as recited in independent claim 1. To the contrary, Gervais teaches that the drive tool is fitted into the fixture mount after the implant. See, e.g., col. 8, lines 42-60.

Therefore, for at least these reasons, independent claims 1 and 2 are patentable over Gervais.

Claims 8-17, which depend from independent claim 2, are also patentable at least for their dependency on independent claim 2, as well as for the additional features they recite.

For example, regarding claim 17, Gervais does not teach that "the tool is a transfer part and the implantable element is selected from the group consisting of a dental implant, an intermediate pillar and a die," as recited in claim 17.

The Office Action asserts that the screw 16 of Gervais corresponds to the claimed implantable element of independent claims 1 and 2. However, there is no suggestion that the drive tool 18 of Gervais may be a transfer part. Therefore, Gervais also does not teach the features of claim 17.

For at least the above reasons, independent claims 1 and 2 are patentable over Gervais. Claims 8-17, which depend from independent claim 2, are also patentable at least for their dependency on independent claim 2, as well as for the additional features they recite.

Applicant respectfully requests withdrawal of the rejection. Claims 1 and 2, and all of the claims depending from them (including new claims 18-20) are patentable over Gervais.

IV. NEW CLAIMS 21-23

Further, Applicant respectfully submits that neither Gambale nor Gervais teaches the features of new claims 21-23.

For example, Gambale does not address reversibly fixing a transfer part to an intermediate pillar or dental implant, much less in a manner that prevents their relative longitudinal movement, as recited in claim 21. As discussed above, the cartridge 100 of Gambale is shaped to resist radial movement of a screwdriver 20 (see col. 5, lines 61-65 of Gambale). The screwdriver 20 is not a transfer part, and cartridge 100 is not shaped to prevent longitudinal movement of the screwdriver 20 relative to the cartridge 100.

Similarly, with respect to claim 22, Gambale does not address a device for taking an imprint of a transfer part, particularly one comprising a transfer part or involving a connecting part and transfer part that are configured to prevent longitudinal movement therebetween. Gambale also clearly does not disclose the combination of a transfer part, intermediate pillar and dental implant as recited in dependent claim 23.

Gervais also does not teach the features of claims 21-23. Gervais does not teach "the transfer part being in direct contact with the one of the intermediate pillar and the dental implant" as recited in independent claim 21 or "a transfer part having an extremity positioned on and in direct contact with a complementary end of an intermediate pillar or a dental implant" as recited in independent claim 22. As discussed above, the drive tool 18 is not a transfer part and is spaced from, and not in direct contact with, the implant 14 or the screw

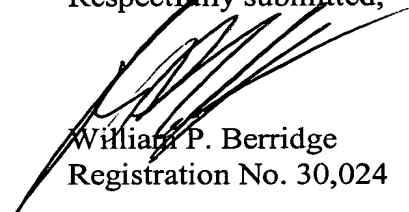
17. Gervais also clearly does not disclose the combination of a transfer part, intermediate pillar and dental implant as recited in dependent claim 23.

For at least these reasons, new claims 21-23 are also patentable over Gambale and Gervais.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Patrick T. Muffo
Registration No. 60,342

WPB:PTM/wpb

Date: September 18, 2008

Attachments:

Request for Continued Examination (RCE)
Petition for Extension of Time
Amendment Transmittal

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
